

CITY OF VERO BEACH, FLORIDA
MAY 2, 2023 1:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

Pastor Randy Bryant of Ryanwood Fellowship gave the invocation.

PRESENT: Mayor John Cotugno, present; Vice Mayor Linda Moore, present; Councilmember Tracey Zudans (present via telephone); Councilmember John Carroll, present and Councilmember Rey Neville (excused absence). **Also Present:** Monte Falls, City Manager; John Turner, City Attorney and Tammy Bursick, City Clerk

1. CALL TO ORDER

A. Pledge of Allegiance

Mayor Cotugno led the Council and the audience in the Pledge of Allegiance to the flag.

B. Roll Call

The City Clerk performed the roll call.

Mr. Carroll brought up the Ethics Class that he recently attended where the attorney conducting the class said that people not in attendance at a public meeting, but attending the meeting by Zoom or telephone are allowed to vote.

Mr. John Turner, City Attorney, explained that there must be a medical issue or some sort of circumstance in order for a Councilmember to be allowed to vote if they are not physically present. He discussed this matter with a previous Council and wrote a memo on it and will send Council a copy of the memo.

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – April 18, 2023

Vice Mayor Moore made a motion to approve the regular City Council minutes. Mr. Carroll seconded the motion and it passed unanimously.

2. Special Call/Workshop Minutes – April 19, 2023

Vice Mayor Moore made a motion to approve the Special Call/Workshop minutes. Mr. Carroll seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mr. Carroll brought up item 6A-2), which is the naming of the Community Sailing Center and Marine Recreational Park. He said there is no policy, lease, or exhibits showing the limits on this property so maybe they should postpone this matter until these documents have been produced.

Mayor Cotugno explained that they would not be voting on this matter at today's meeting. He thought it would be fair to allow the speaker to be heard because he is at today's meeting and the agenda has been noticed.

Council agreed to allow the discussion to take place.

B. Proclamations and recognitions by Council.

1) National Police Week – May 14 – May 20, 2023

Mayor Cotugno read the Proclamation.

2) National Safe Boating Week – May 20 – May 26, 2023

Mr. Carroll read and presented the Proclamation.

3. CONSENT AGENDA (include amount of expense)

Vice Mayor Moore pulled items 3-F) and 3-I) off of the consent agenda.

- A) Production Well Rehabilitation (Contract 72-2020) Wells 17, 31, C-2, 10, 26 & 5 Change Order 1 – Final Reconciliation – A.C. Schultes of Florida, Inc. Expenditure N/A**
- B) A&B Fence Co LLC Final Payment for Contract 141-2022 (\$6,577.99)**
- C) Award of Bid for Wayfinding Signage Project to 12 Visual (FDOT #445965-1, \$393,911.00)**
- D) Cleaning, Inspection, Diving and Documentation of Tanks Bid-Award for Bid No. 080-23/RT Award: \$57,996.00**
- E) Acceptance of JAGC Program Funds (\$12,099.00)**
- F) City Manager Contract**

Vice Mayor Moore told the City Manager that she was pleased that he is staying and working for the City of Vero Beach a little longer because he is such an asset.

Mr. Carroll added that Mr. Falls brings a worth of history and knowledge and when he leaves the City it will be tough.

Mr. Monte Falls, City Manager, thanked them for the kind words. He said that he has been with the City half of his adult life and he has enjoyed it and hopes to enjoy more years to come.

Vice Mayor Moore made a motion to approve the City Manager's contract. Mr. Carroll seconded the motion.

Mrs. Barbara Ruddy commented that she was happy that Mr. Falls would be staying with the City and that he should be considered for the Project Manager's position for the Three Corners project.

The motion passed unanimously.

- G) Bay and River Drive Bridge Repairs (\$11,358.45) Final Payment for Contract 174-2023 PW Project No. 2022-03**
- H) Change Order 1 to Work Order #1 for Hoyle, Tanner & Associates, Inc. to Perform Design, Bid and Construction Services on FDOT Project VRB Airport Wayfinding signage Project (\$14,711.00 contract reduction)**
- I) Work Order #13 for Hanson Professional Services, Inc. Commercial Park Phase 1A (\$174,621.00)**

Mr. Brandon Dambeck, Airport Operations Manager, explained what is in the works for the Airport zone. The Airport has coordinated with the Florida Department of Transportation (FDOT) to receive grant funding to make available Airport parcels more appealing and viable for business development opportunities. The scope for this project includes rehabilitation of select buildings, as well as planning and improvements for future commercial development. This work order will allow for Hanson to continue their work into the construction oversight phase of the Commercial Park Phase 1A project. It also allows for Hanson to complete the design for the project that will be funded in the Commercial Park Phase II project, which is parking associated with businesses along Dodger Road, Airport North Drive access points for future development and roof repairs at 3309 Aviation Boulevard.

Vice Mayor Moore asked if there was any idea how much parking there will be.

Mr. Dambeck said they would not know that until after the design work has been completed.

Mrs. Brooke Malone commented that she was happy that Mr. Falls was sticking around. She said the passage of this work order is important for the growth of the commercial park. It will enable people who are flying into Vero Beach to have incentives to stop by and visit the area. She appreciated the fact that the City has agreed to grow this area.

Mr. Ray Hooker was also happy that Mr. Falls was staying with the City and thanked him for supporting the Airport.

At this time, the City Attorney asked to take a short break.

Mayor Cotugno called the meeting back into session at 1:28 p.m.

Mr. Turner requested that this item be pulled from the consent agenda and brought back at their next meeting when there is a full Council present.

Mr. Carroll made a motion to pull this item off of the consent agenda and bring it back to the next City Council meeting to be heard. Vice Mayor Moore seconded the motion and it passed unanimously.

- J) Hi-Lite Final Payment for Task Order 1 to Contract 161-2022 (\$9,148.95)**
- K) Recommendation of Award, Professional Continuing Services Contracts**

Mr. Carroll made a motion to approve the consent agenda with the exception of items 3-F) and 3-I). Vice Mayor Moore seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

A) ORDINANCES

B) RESOLUTIONS

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing a Special Assessment Lien in the amount of \$6,050.00 for a Septic Tank Effluent Pump (STEP) System to serve the real property located at 2025 30th Avenue, Vero Beach, Indian River County, Florida; Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mayor Cotugno opened and closed the public hearing at 1:30 p.m., with no one wishing to be heard.

Vice Mayor Moore made a motion to approve the Resolution. Mr. Carroll seconded the motion and it passed 3-0 with Mr. Carroll voting yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

- 2) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing a Special Assessment Lien in the amount of \$6,050.00, for a Septic Tank Effluent Pump (STEP) System to serve the real property located at 2005 30th Avenue, Vero Beach, Indian River County, Florida, Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mayor Cotugno opened and closed the public hearing at 1:31 p.m., with no one wishing to be heard.

Vice Mayor Moore made a motion to approve the Resolution. Mr. Carroll seconded the motion and it passed 3-0 with Mr. Carroll voting yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

- 3) A Resolution of the City Council of the City of Vero Beach, Florida, Abandoning the City's Interest in the South 5 feet of the 10 foot Rear Easement encumbering the Real Property located at 511 Iris Lane, Lot 13, Block 7, River Oaks Estates, Unit 4, Vero Beach, Indian River County, Florida; Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mayor Cotugno opened and closed the public hearing at 1:31 p.m., with no one wishing to be heard.

Mr. Carroll made a motion to approve the Resolution. Vice Mayor Moore seconded the motion and it passed 3-0 with Mr. Carroll voting yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

- 4) A Resolution of the City Council of the City of Vero Beach, Florida, Abandoning the City's Interest in the North 25 foot Rear Easement of the Abandoned 17th Street encumbering the Real Property located at 1709 34th Avenue, Lot 12, Block 5, Kennedy Terrace, Vero Beach, Indian River County, Florida; less and except the West 5 foot Easement for Utility and Drainage Purposes; Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mayor Cotugno opened and closed the public hearing at 1:32 p.m., with no one wishing to be heard.

Mr. Carroll made a motion to approve the Resolution. Vice Mayor Moore seconded the motion and it passed 3-0 with Mr. Carroll voting yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

- 5) A Resolution of the City Council of the City of Vero Beach, Florida, Relating to Septic Tank Effluent Pump ("STEP") Systems; Providing Incentives for Pilot Program for Installation of STEP Systems in Basin 6 - "Atlantic Basin"; amending the existing Water and Sewer Rate Structure to address STEP Systems; Providing for Conflict and Severability; and Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mayor Cotugno opened and closed the public hearing at 1:33 p.m., with no one wishing to be heard.

Vice Mayor Moore made a motion to approve the Resolution. Mr. Carroll seconded the motion and it passed 3-0 with Mr. Carroll voting yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

5. PUBLIC COMMENT (3-minute time limit)

Mr. Tony Young highlighted three (3) Veterans and thanked the City for all the support they give to the Veterans Memorial Island Sanctuary.

Mrs. Susan Mehiel with the Alliance for Safe Trains stated that her first introduction to All Aboard Florida was 10 years ago when she attended a Treasure Coast Regional Planning Council meeting and they welcomed it with open arms. She wanted to provide some facts: there are no trains anywhere in the country going over 79 miles an hour crossing streets at grade, unfenced, Brightline will go up to 110 miles an hour; 90 people have died on the Brightline tracks in 3 ½ years; it is the deadliest railroad in the country; there are no passenger trains going 110 miles anywhere in the country sharing the corridor with freight carrying hazardous materials. She has spent the last few weeks involved in emergency matters locally and on the state level. Emergency personal are prepared if there is a breach with the railroad, but it is almost impossible to be prepared for everything. She talked about what citizens can prepare for is similar to how they prepare for an evacuation when there is a hurricane. Everyone should know their evacuation routes and options. She said looking at rail accidents in their County that the evacuation route could be blocked so there needs to be other accessible routes. She was not sure what has been decided concerning narrowing the Twin Pairs, but believes it should not be done especially when looking at the evacuation route and how important the need to evacuate in a crisis would be.

Mr. Steve Reynolds commended the work that the City has done on the STEP System conversion program for the Atlantic Basin. He has talked to some of the Councilmembers about giving similar consideration for the program being extended for other areas in Vero Beach. He asked if this is still on-going.

Mr. Falls explained they discussed this at a City Council workshop and what came out of the workshop was to move forward with the Atlantic Basin and anything additional to that is on hold at this time.

Mr. Reynolds recommended that they consider the possibility of extending the incentive program. The conversion rate right now stands at about 40% from septic system to the STEP System. It would be a good move to help clean up the Lagoon. He said basically the issue right now is the cost of converting to the STEP System and they are looking at having to spend \$17,000 in order to do that. He said some people can afford it, but there are a lot of people that cannot afford it. He said if some consideration could be given to broadening the initial incentive (initially for a one-year period) there is a possibility that they would help out a lot of people that maybe at some point would be forced into converting to the STEP System. This way they could see that 40% number significantly higher, which is a low number to have an impact in helping the Lagoon. He encouraged the Council to consider this to see if something could be done. He recognized that there

would need to be some consideration given to those individuals who made the conversion after the initial incentive period had expired. He wouldn't want that group to feel left out or treated unfairly.

Mr. Carroll suggested that Mr. Reynolds go back and read the minutes from the January 26, 2023 workshop where they spent a lot of time discussing this matter.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

1) Partnering with the Principal – Mayor John Cotugno

Mrs. Cindy Emerson, Director of Instructional Innovation for the School District of Indian River County, was excited to have the opportunity to help organize this new program entitled “Partnering with the Principal” and getting it started in this community. She gave a Power Point presentation on the Partnering with a Principal pilot program. She thanked everyone that was a part of the program including the Mayor of the City of Vero Beach.

Mrs. Emerson commented that this year the School District is partnering with small businesses and hosting a job fair for their seniors. She said there are still vendor positions open if someone would like to participate. She said that she would leave some flyers. Also, they will be hosting Shark Tank in Indian River County at the business office and they currently have four (4) sharks and they are looking for one (1) more shark. She said if anyone is interested to contact her.

Mayor Cotugno went over some of the questions that he was asked by students at Citrus Elementary when he was participating in the Partnering with the Principal pilot program.

2) Naming of the Community Sailing Center and Marine Recreational Park – Mayor John Cotugno

Mr. Stu Keiller, Executive Director for the Youth Sailing Foundation, commented that they have been working on building their new Sailing Center at the Three Corners property since 2017. He has been meeting with the Planning Department in coming up with a new lease and there is one (1) provision that triggers the building and that is building within 36 months of signing the lease. The whole building deals on decommissioning the water tank, which is in the plan to come down. He understands that the water tank will not come down until the Sewer Plant is removed from the property. He said when that tank goes away they are ready to build. They have raised a total of \$3.7 million and have elevated the bar to \$4.5 million in order to pay for some extra things and provide an endowment fund for the building and parking that will pay for future capital replacements. They have told the City that they will pay to have the tank taken down. They will leave the base tank in the ground and build a parking lot over the top of it for anyone wanting to park there. They are working on trying to get the property line redefined to include the tank and do realize they will be responsible to maintain it.

Mr. Carroll asked who is preparing the revised survey.

Mr. Falls explained that they are working on a conceptual site plan that will need to be taken before the Planning and Zoning Board for their approval. They want to build a parking lot over the tank slab and he wants to be assured that is okay, which is one of the reasons for taking it back to the Planning and Zoning Board.

Mr. Carroll commented that this lease will not be ready for the next City Council meeting. He thought it might be ready sometime this summer. He questioned how the policy for renaming the Park works.

Mr. Turner expressed he is in the process of drafting the naming Resolution now and will be sharing it with Council shortly.

Mr. Carroll commented that it sounds like this will take a couple of months.

Mr. Falls said they would not be approving anything that could run into foul play when it comes to zoning.

Mr. Keiller asked Mr. Falls what is the process and how long will this take. Mr. Falls told Mr. Keiller that he would get back to him.

Mayor Cotugno commented that he sees this as a firm commitment that they have by Youth Sailing to continue with this project. He would like to give them a schedule, which can be changed, so they have an understanding of the planning process. He said they have raised a lot of money for this project.

Mr. Keiller explained that their investors are their donors. He said out of \$3.7 million, their donors have contributed 80% of those funds. They are ready to go and want to see a path. He understands that the water tank is scheduled to be decommissioned in 2024.

Mayor Cotugno suggested putting a schedule together with milestones and if it changes it changes.

Mrs. Zudans appreciated the presentation, but felt it was premature to have a schedule based on the amount of work that staff still has to do. She said generally speaking this project does affect the Three Corners project.

Vice Mayor Moore agreed with the comments made by Mrs. Zudans. She said there is so much involved in this that they can't make a schedule that they would have to commit to.

Mr. Falls commented that he has worked closely with Youth Sailing on this project and he is a big supporter. However, he has to look out for his clients and not put them afoul in this project. Staff can put together a timeline and get Mr. Keiller some updated information. However, when putting this schedule together everyone has to remember that

there are a lot of moving parts. He will work on putting something together and discussing it individually with each Councilmember and putting it on a future Council agenda when everyone is comfortable with it.

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

8. CITY CLERK MATTERS

A) Lien Reduction Request – 1941 33rd Avenue

Mr. David Currey, Chief of Police, reported that Mr. Todd Durand submitted an application for a lien reduction on behalf of the property owner, 33rd Avenue #1941 Land Trust. The request is to reduce the current lien of \$44,121.36 to \$4,121.36 for the assessment property at 1941 33rd Avenue. The basis for the lien reduction is the previous owners did not have the resources or ability to correct any of the Code violation issues. He gave a summary of the property. The applicant purchased the property for \$1,000 on September 23, 2021 from the previous owners. There were four (4) violations/cases with regards to weeds, grass, and undergrowth at a height of more than 12 inches. The time period was February 27, 2012 through November 29, 2017. There was also an abatement special assessment lien for \$6,143.90 and with the calculated interest it is now \$6,779.49. A mediation hearing was heard on February 22, 2023 as a result of the City initiating a code enforcement lien foreclosure lawsuit against the homeowner. The case was completely settled with the homeowner placing \$30,000 in escrow, filing an application for a lien reduction and agreeing that the maximum amount due involving any existing code enforcement liens as set forth in the City's complaint shall be \$55,000. Chief Currey is recommending not to reduce the lien and that the total owed is \$50,900.85.

Mr. Turner added that the parties agreed to a mediation hearing and entered into a medication agreement, which was brought before the City Council. Mr. Durand is appearing before the City Council requesting that the amount of his lien be reduced to \$5,000. Mr. Turner told Mr. Durand that he could make his presentation and then City Council would make a determination as to reducing the fine. Then it will be factored in with the amount of deposit available, which is \$30,000. He said it is appropriate to have Mr. Durand come up and explain to Council as to why he thinks a reduction is appropriate.

At this time, the Chief of Police passed around a photograph taken on April 25th. He said his recommendation is still \$50,900.85.

Mr. Todd Durand stated when he purchased the property he knew it had code violations. After he purchased the property he closed out the active violations and complied. At one time the garage caved in and they demolished that and pulled a permit. Where they had the delay was when COVID hit he requested bids from tons of contractors and business was booming so the contractors were going after the easy projects and this was a total renovation project. They finished their plans last summer and submitted the permit

application and the building permit was approved on September 22nd. He said if you look at the fines, everything occurred before they purchased the property. The big fine of \$37,500 was the violation that was corrected immediately, but they could not officially close it out until they received the engineering and architectural plans. They entered into an agreement with a general contractor last summer to do the work and the amount would not stop accruing until the contractor was able to pull the permit to do the work. He said they did the work to clean up the property within 60-days, it was just a matter of getting the contractor engaged which was the delay. He humbly requested Council to approve the lien reduction.

Mr. Carroll noticed that Mr. Durand purchased the property with the liens and all this started in September 2021 and it took him until September 2023 to comply.

Mr. Durand went over the whole process and timeline. He entered into an agreement with the general contractor last summer and he submitted the paperwork and then the permit was approved in September 2022.

Vice Mayor Moore noted that since September 2022 through February 2023 no work has been done and then mediation took place.

Mr. Turner explained the mediation that took place reflected that there is no dispute to any of the lien amounts.

Mr. Durand explained that work has been done and he has spent close to \$100,000 to renovate the property.

Vice Mayor Moore had a picture in her hand that was taken five (5) days ago and Mr. Durand is saying that he spent \$100,000 in renovations.

Mr. Durand was shown a copy of the picture taken. He said they demolished the garage section to remove the unsafe structures. He then asked his contractor to speak.

Mr. Robert Brown, Contractor, stated that he replaced the roof and built a new walkway in the backyard and patio area. He said there were a lot of structural issues with the property that have been corrected. The underground plumbing has been done and they are connected to City water and sewer. All the interior framing work has been completed. He said there was a lot of damage to the interior of the house because it did not have a roof. They are now waiting for the windows and doors to be installed and once that is done the whole house will be dried in. He asked for 60 more days to complete the project.

Chief Currey noted that there was an inspection done on the house last week by the Indian River County Building Department.

Mrs. Zudans was confused by the process. She said it seems like Mr. Durand purchased the property for \$1,000 and should know the amount of money that needed to be spent

going into this and so the delay of permitting and engineering work seems a little off for the project. She felt there was some missing information.

Mr. Durand explained the \$1,000 was the purchase price, but at closing he paid all the taxes because the property had been sitting for 10 years. He reiterated it took a long time to find a contractor to take on this project because contractors are so busy. Also, because of the supply chain it was hard for someone to bid on a project because they didn't know what the supplies were going to cost.

Mr. Carroll stated that it looks like the lien commenced on October 1, 2020 and continued to run until September 2022. He asked what was the impetus of stopping the penalties at that point. He asked did the property come into compliance. Chief Currey said that the property came into compliance on September 15, 2022.

Mr. Turner commented that when Mr. Durand purchased this property in September 2021, there were existing liens on the property. He (Mr. Durand) made a decision to proceed with this and to rehab it and put it back on the market, which included paying off the liens and hopefully making a profit. It appears because of the delays he was not able to do that. Then the City foreclosed on the property to protect their interest and that is why they are discussing this matter today.

Mayor Cotugno commented that there were a series of violations that were cleared that came to an assessed amount of dollars. The City filed a lawsuit and went into a mediation hearing. Mr. Turner expressed the City filed the lawsuit and it was going to be set for trial and before any trials are heard in civil cases the parties have to go through mediation. He said both parties participated in the mediation and they worked out this agreement. Mayor Cotugno stated that what this boils down to is Mr. Durand is asking the City to waive some of this money.

Vice Mayor Moore commented that as a representative for the people of Vero Beach she feels it sets a bad precedence to overrule mediation that happened in good faith with the two parties and were in agreement as to what was owed.

Mr. Turner explained the mediation was that the City stipulated the amount of monies involved so it is clear. They also agreed that Mr. Durand could appear before the City Council to try to persuade the City Council based upon his statements that the amount should be reduced. It is totally up to Council on whether or not they want to grant the request.

Mr. Durand added that as a part of good faith he put the money into escrow, which was \$30,000. It wasn't stipulated that was going to be the amount. He said in early January 2020 the Code Enforcement Officer sent him an email and said the code violations are clear and done. Then the Code Enforcement Officer went to the Building Department and said that the case cannot be officially closed until the building permit is approved. Then the building permit was approved in September 2022 so they officially did everything within three (3) months of when they purchased the property.

Mr. Carroll said that they could have come into compliance by demolishing the entire structure.

Mayor Cotugno asked if there were any delays from the approval process or any inspections being delayed from the County.

Mr. Brown said that there was not. He said this was his first time working in Vero Beach and it is a little different than West Palm Beach and the Miami area. He said one thing with the plumbing and City sewer there are three (3) different offices that have to approve the underground sewer and underground plumbing. As far as the roofing and the structure goes they failed inspection because of the existing house additions. They needed to replace more of the damaged wood that was in the house.

Mr. Carroll made a motion to deny the lien reduction request for 1931 33rd Avenue, Vero Beach, Florida and have Mr. Durand pay the recommended total owed, which is \$50,900.85. Vice Mayor Moore seconded the motion. The Clerk polled the Council and the motion passed 3-0 with Mr. Carroll voting yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

There was no one wishing to comment when the Mayor opened the meeting for public comment.

B) Lien Waiver Request – 2175 33rd Avenue

Mr. Turner reported that he became aware of this code enforcement matter when it was in front of the Code Enforcement Board. He said that the owner of the property, Mr. Edgar Valdes was present and he was requesting that the Code Enforcement Board do some action on the lien. Mr. Valdes did not realize that there was a lien on this property until he went to the bank to apply for a loan and it appeared. Then he investigated it and came before the Code Enforcement Board. Mr. Turner advised Mr. Valdes at that time the proper procedure was to go in front of City Council and ask for relief from the lien. This came about last summer when the neighbor was using Mr. Valdes's property for storage of a couch. Mr. Valdes was not around and he was not receiving any notices about this violation. The notices were all returned and the property was not posted. The couch was eventually moved and the code enforcement matter came into compliance. The only thing left is the outstanding lien. Mr. Valdes has said that he would have taken care of this had he known about it.

Chief Currey had nothing to report on this case.

Mr. Edgar Valdes, owner of the property, stated that he did not become aware of this violation until he was trying to get an equity loan on his home and this appeared. At the time he was going back and forth to Texas and he did not know anything about the couch. He then called the Code Enforcement Officer who explained to him what had happened. The Code Enforcement Officer spoke to his neighbor about the couch and his neighbor

didn't do anything about it. Mr. Valdes said that he was in communication with the neighbor because he was getting his mail, but apparently he was not getting all of his mail. He was leaving some of the mail in the mailbox and it was getting returned back to the sender. The amount of the lien is \$2,450.00, which he is asking be reduced to \$0.

Vice Mayor Moore felt that it was very compelling that Mr. Valdes did not know anything about the couch.

Vice Mayor Moore made a motion to waive the lien on 2175 33rd Avenue. Mr. Carroll seconded the motion.

Mayor Cotugno opened the meeting for public comments at 2:49 p.m., with no one wishing to be heard.

The Clerk polled the Council on the motion and it passed 3-0 with Mr. Carroll voting yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

C) New City Council Meeting Dates

Mrs. Tammy Bursick, City Clerk, reported to Council that at their last meeting it came up that the County Commission now only meets twice a month on the first and third Tuesday of the month and because there have been conflicts at times with both the County and the City meeting at the same time that the City may want to meet on the second and fourth Tuesday of the month. Council asked staff to do some research and get back to them. She said that staff met and suggests that the City Council meets on the second and fourth Tuesday of the month at 9:30 a.m. She noted that one of the boards that Mrs. Zudans is a member of now meets at the same time as their Council meeting, which makes it impossible for her to attend their meetings and her presence is needed in order to make a quorum. If the Council met on the second and fourth Tuesday this would eliminate that problem.

Council asked that this matter be brought back up at the next Council meeting when the full Council was present. Council agreed to hold their next meeting on May 16, 2023 at 9:30 a.m.

9. CITY MANAGER MATTERS (include amount of expense)

Mr. Falls reported that he met with the new County Administrator and he looks forward to working with him in the future. He feels that they both can work together for the betterment of the community.

10. CITY ATTORNEY MATTERS

Mr. Turner gave an update on recent legislative issues being addressed in Tallahassee. He reported on short term rentals and told Council that they should be contacting their State Representatives concerning short term rentals. Council agreed with letting Mr. Turner talk to their Representatives in Tallahassee and voicing their objection. He said it will not affect

short term rentals in the City and that it really only affects how to regulate short term rentals.

11. COUNCILMEMBER MATTERS

A. Mayor Cotugno's Matters

Mayor Cotugno reported that on April 27th that he met with different organizations on the homeless issue. He felt it was a successful meeting and thanked Mr. Matt Turner and his team for organizing the meeting. He said the conference room where the meeting was held was packed. Everyone is working on coming up with some solutions to effect the usage and long term environment of Pocahontas Park. He will keep them updated as they go along and they will be preparing for the May 17th City Council workshop.

Mayor Cotugno reported that on April 28th he attended the workshop that the Learning Alliance conducted. He showed a children's book that they are circulating that explains "word" collection. He said there are issues that over the summer some students drop off in their reading and they want to come up with a program to promote enhancing the ability of reading so it does not drop off. The City Clerk will be working with the Learning Alliance Coordinator to come up with a way to kick this program off so that the drop off rate is low this summer in Indian River County.

Sponsored presentation items by the public (10-minute time limit)

1) Mr. Richard Lewis to speak on Wreaths Across America of Indian River County

Mr. Richard Lewis recalled back in 2018 he came before the City Council to talk to them about Wreaths Across America and having the program in Indian River County. At that time he had just retired from the City of Vero Beach and had entered into a new career and met some people interested in starting the program in this area. He said last year nationwide there were 2.47 million wreaths put out. In this area they are now putting wreaths in every cemetery located in Indian River County. These are live laurel wreaths placed on the graves of veterans. He invited Council to come out on December 16th and join them on Veterans Memorial Island for the ceremony. He requested permission to do this event again this year. He will proceed with getting the necessary paperwork done.

B. Vice Mayor Moore's Matters

Vice Mayor Moore brought up a letter Council received from an employee regarding the changes made to the General Employee Pension Plan when it was frozen in 2015. A petition was signed by 135 current and retired employees who would like the following changes to the City's pension plan be made: 1) Changing the frozen pension plan to give the same annual cost of living adjustment (COLA) to active employee's frozen retirement benefits that retired employees receive each year and 2) That they add an annual 1% cost

of living adjustment (COLA) for each year, back to 2016, to active employee's frozen retirement benefits.

Mr. Falls explained that they cannot make any changes to the pension plan until they have an impact statement done. He will look into seeing how much it would cost to have an impact statement done and report back to Council.

Mr. Carroll was fine with that.

C. Councilmember Zudans's Matters

Mrs. Zudans thanked Mr. Falls for continuing serving as their City Manager.

D. Councilmember Carroll's Matters

Mr. Carroll gave an update on the Treasure Coast Regional Planning Council meeting. He said they talked about SB102 for over an hour. He said there is a group of counties including Indian River County that are going through the law and coming up with recommendations for the various legislative bodies so they can make some adjustments so that it can be easier, because at this point nobody really understands it.

Mr. Carroll commented that he is pushing on having work done in reference to pedestrians, bikes, and golf carts. He thought maybe they could set up an Ad Hoc Committee including design professionals in town that could help them review different possibilities and come back with some recommendations. He said like having the golf carts be allowed in certain areas (beach and Country Club area) and the bikes and pedestrian matter would be Citywide.

Vice Mayor Moore commented that the local bike group was just at the Metropolitan Planning Organization (MPO) meeting and would probably have a lot of valuable input.

Mr. Turner stated that if they wanted an Ad Hoc Committee with recommendations to City Council, he would recommend that they proceed as they normally would and establish such a Committee. He will work on this and bring something back to Council.

Mr. Carroll would like this addressed in a timely matter.

Mr. Carroll went through his Power Point presentation entitled Vision 2023 Vero Beach, which is attached to the original minutes.

E. Councilmember Neville's Matters

Mr. Neville was not present for today's meeting.

13. ADJOURNMENT

Today's meeting adjourned at 3:24 p.m.

/tb